

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

SANDRA M. PETERS, on behalf of
herself and all others similarly
situated,

Plaintiff,

v.

AETNA INC., AETNA LIFE
INSURANCE COMPANY, and
OPTUMHEALTH CARE SOLUTIONS,
INC.,

Defendants.

Case No. 1:15-cv-00109-MR

AETNA’S MOTION FOR SUMMARY JUDGMENT

NOW COME Aetna Inc. and Aetna Life Insurance Company (collectively, “Aetna”) and pursuant to Federal Rule of Civil Procedure 56 move the Court for an order granting summary judgment for Aetna on all remaining claims that Plaintiff has asserted against Aetna. In support of this motion, Aetna relies upon the accompanying memorandum of law, declaration of Earl B. Austin and filings referred to therein, and all prior proceedings in this action.

As set forth in more detail in the accompanying memorandum of law, the record is clear that Plaintiff in fact benefited from the Aetna-Optum relationship she alleges, without any support, caused her injury. There is no evidence to support that Aetna breached any fiduciary duty or acted arbitrarily and capriciously

in the administration of Plaintiff's benefits; to the contrary, the evidence shows that Aetna correctly calculated Plaintiff's financial responsibility under her policy. And certainly, Plaintiff can point to no facts to support any threat of future harm.

Accordingly, Plaintiff's claims for monetary and injunctive damages fail. As there is no genuine dispute as to any material fact, Aetna is entitled to judgment as matter of law.

WHEREFORE, for the reasons set forth above and in the memorandum in support filed herewith, Aetna requests that the Court grant Aetna's Motion for Summary Judgment, dismissing with prejudice Plaintiff's remaining claims against Aetna.

Dated: May 23, 2019

Respectfully submitted,

/s/ E. Thomison Holman

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*Counsel for Defendants Aetna Inc.
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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May 2019, a copy of the foregoing was electronically filed with the clerk of the court of the United States District Court, Western District of North Carolina, Asheville Division, and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ E. Thomison Holman

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